

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Davarrio Webb,

Plaintiff,

v.

Case No. 12-12370
Honorable Sean F. Cox
Magistrate Judge Mark A. Randon

Officer Blake Hiben,

Defendant.

ORDER APPOINTING PRO BONO COUNSEL AND STAYING PROCEEDINGS

Plaintiff brought this action *in pro per* on May 31, 2012 alleging that Officer Blake Hiben and the Saginaw Police Department violated his Fourth Amendment constitutional right by using excessive force to arrest him following his flee from a home invasion. (Doc. #1). Plaintiff filed an Amended Complaint on December 3, 2012. (Doc. #22).

On January 29, 2013, Magistrate Judge Mark A. Randon denied Plaintiff's initial Motion to Appoint Counsel. (Doc. #29). Thereafter, this Court adopted Magistrate Judge Randon's September 6, 2013 Report and Recommendation (Doc. #40), thereby granting in part and denying in part Defendants' motion for summary judgment. (Doc. #46) (dismissing all counts against Saginaw Police Department). Magistrate Judge Randon certified that all pretrial proceedings in this case were completed as of January 10, 2014. (Doc. #47). The case is ready to proceed to trial.

Plaintiff has filed a new Motion to Appoint Counsel pursuant to 28 U.S.C. § 1915(e)(1). (Doc. #48). Plaintiff asserts that he is "the least bit sophisticated in litigation matters, is uneducated, and submits that the truth of this action will most likely be brought to light if both parties are represented by counsel." (Doc. #48 at 1).

This Court finds that it would benefit not only the Plaintiff, but also Defendants and this court if Plaintiff were given the benefit of representation by an attorney assigned under the Court's pro bono program.

Accordingly, IT IS ORDERED that appointment of counsel be GRANTED to Plaintiff, and that the Court obtain an attorney who will undertake representation as pro bono counsel for Plaintiff. IT IS FURTHER ORDERED that all proceedings in this case will be STAYED for a period of forty-five (45) days so that pro bono counsel may be obtained.

IT IS SO ORDERED.

Dated: February 13, 2014

S/ Sean F. Cox
Sean F. Cox
U. S. District Court Judge

I hereby certify that on February 13, 2014, the foregoing document was served upon counsel of record by electronic means and upon Devarrio Webb by First Class Mail at the address below:

Davarrio Webb
451915
Michigan Reformatory
1342 West Main Street
Ionia, MI 48846

Dated: February 13, 2014

S/ J. McCoy
Case Manager